

THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                     )  
   )  
                  v.                                     ) CR. NO. 2:06CR299-MEF  
   )  
SIMONETTA GARTH                                 )

UNITED STATES MOTION FOR DOWNWARD DEPARTURE  
PURSUANT TO U.S.S.G. 5K1.1 FOR SUBSTANTIAL ASSISTANCE

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and pursuant to Section 5K1.1 of the United States Sentencing Guidelines, respectfully requests this Honorable Court to reduce defendant's offense by five (5) levels; as reasons therefore, submits the following:

1. Garth is charged with being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1). Importantly, Garth is currently married to Courtney Colvin. Colvin and Garth share children together. Colvin has pleaded guilty in federal Court to two counts of possession with intent to distribute controlled substances, possession of firearms during and in relation to drug trafficking offenses and to maintaining drug-involved premises. (See 2:07cr0077-WHA-001) For these crimes, Colvin is currently facing a sentence of 412 to 485 months imprisonment.

2. According to Sergeant Rebecca Sparkman of the Montgomery Police Department, Special Operations Division, Courtney Colvin has been a notorious drug dealer in Montgomery, Alabama for a number of years; yet, Colvin has (until now) managed to escape justice.

3. The United States was able to bring Colvin to justice due, in large part, to the cooperation of Colvin's wife, Simonetta Garth. Specifically, on December 5, 2006, Garth gave a

proffer statement to the United States wherein she detailed the scope of Colvin's drug dealing activities. During that proffer meeting, Garth used her influence over Colvin to arrange a meeting between Colvin and law enforcement. During that meeting, Colvin freely admitted (in a written statement) to his culpability in the events of December 1, 2006 wherein large amounts of crack cocaine, money and guns were recovered from his house. But for Garth's influence over Colvin, the United States would not have secured this evidence against Colvin.

4. In addition to using her influence over Colvin to secure his confession to serious crimes, Garth testified before a federal grand jury about her husband's drug trafficking activities. Throughout her cooperation with the United States, Garth has never sought to invoke any applicable privileges concerning her marriage and relationship to Colvin.

5. After providing information regarding her husband, Garth was harassed and threatened by various family members for her cooperation with law enforcement.

6. The United States notes that even with this Motion for Downward Departure for Substantial Assistance, Garth will not escape imprisonment for her crimes. Considering the totality of Garth's cooperation and circumstances, the United States believes that a 5 level downward departure is warranted in this case.

Wherefore, premises considered, the United States moves this Honorable Court grant an downward departure, pursuant to U.S.S.G. 5K1.1, of 5 levels for Defendant's substantial assistance.

Respectfully submitted this the 25th day of October, 2007.

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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 2:06CR0299-MEF
	)	
SIMONETTA GARTH	)	

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Dan Hamm.

Respectfully submitted,

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